

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**UNITED STATES OF AMERICA
Plaintiff,**

vs.

No. CR 10-773 JB

**JOHN LEONARD TSOSIE,
Defendant.**

**DEFENDANT'S NOTICE OF WITHDRAWAL OF REQUEST FOR
DAUBERT HEARING WITH REGARD TO MR. LAUREN MILLIGAN**

Defendant JOHN LEONARD TSOSIE, by and through counsel, Samuel L. Winder, hereby submits his Notice of Withdrawal of Request for *Daubert* hearing with Regard to Mr. Lauren Milligan. As grounds, Mr. Tsosie asserts:

1. On October 6, 2010, Assistant U.S. Attorney Kyle T. Nayback filed a Notice of Intent to Introduce Expert Testimony Pursuant to Rules 702, 703, and 705, "Notice of Intent." (Doc. 17) The Notice of Intent identified Lauren Milligan, as "a well qualified and certified accident reconstructionist who "will testify to certain hypothetical questions presented to him." The United States does not identify the hypothetical questions.
2. In its Notice of Intent, the Government also identified Nancy G. Drez as an implied Consent Supervisor that will offer testimony with regard to the alcohol content "and other issues related to chemical testing for alcohol...regarding the alcohol content of defendant's blood."
3. This Court has scheduled a *Daubert* hearing for April 28, 2011 as to both witnesses.
4. On April 19, 2011, undersigned counsel informed AUSA Kyle T. Nayback that Mr.

Tsosie has withdrawn his request for a *Daubert* hearing with regard to Mr. Lauren Milligan.

WHEREFORE, Mr. Tsosie provides this Court notice of its withdrawal of a request for a *Daubert* hearing as to Mr. Lauren Milligan.

Respectfully submitted,

By: _____ -s- _____
Samuel L. Winder
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I hereby certify that on April 19, 2011
I filed the foregoing electronically through CM/ECF
System, which caused Counsel for the Government
Kyle T. Nayback, to be served by Electronic means, as
more fully reflected in the Notice of Electronic Filing.

Samuel Winder-s-electronically filed

Samuel L. Winder

